

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

**In the Matter of the Accusation)
Against:)**

JOHN JAMES TIEDEKEN, M.D.)

Case No. 800-2016-020334

**Physician's and Surgeon's)
Certificate No. A114442)**

Respondent)

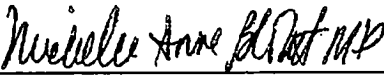
DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on October 18, 2017.

IT IS SO ORDERED: September 18, 2017.

MEDICAL BOARD OF CALIFORNIA



**Michelle Anne Bholat, M.D., Chair
Panel B**

1 XAVIER BECERRA
Attorney General of California
2 ALEXANDRA M. ALVAREZ
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8 *Attorneys for Complainant*

9
10 **BEFORE THE**
11 **MEDICAL BOARD OF CALIFORNIA**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

13 In the Matter of the Accusation Against:

Case No. 800-2016-020334

14 **JOHN JAMES TIEDEKEN, M.D.**
15 **4530 Juno Way**
Sacramento, CA 95864

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

16 **Physician's and Surgeon's Certificate No.**
17 **A 114442**

18 Respondent.

19
20 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
21 entitled proceedings that the following matters are true:

22 **PARTIES**

23 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board
24 of California (Board). She brought this action solely in her official capacity and is represented in
25 this matter by Xavier Becerra, Attorney General of the State of California, by Jannsen Tan,
26 Deputy Attorney General.

27 2. Respondent John James Tiedeken, M.D. (Respondent) is representing himself in this
28 proceeding and has chosen not to exercise his right to be represented by counsel.

1 3. On or about October 20, 2010, the Board issued Physician's and Surgeon's Certificate
2 No. A 114442 to John James Tiedeken, M.D. (Respondent). The Physician's and Surgeon's
3 Certificate was in full force and effect at all times relevant to the charges brought in Accusation
4 No. 800-2016-020334, and will expire on October 31, 2016, unless renewed.

5 **JURISDICTION**

6 4. Accusation No. 800-2016-020334 was filed before the Board, and is currently
7 pending against Respondent. The Accusation and all other statutorily required documents were
8 properly served on Respondent on November 30, 2016. Respondent timely filed his Notice of
9 Defense contesting the Accusation.

10 5. A copy of Accusation No. 800-2016-020334 is attached as Exhibit A and
11 incorporated herein by reference.

12 **ADVISEMENT AND WAIVERS**

13 6. Respondent has carefully read, and understands the charges and allegations in
14 Accusation No. 800-2016-020334. Respondent has also carefully read, and understands the
15 effects of this Stipulated Settlement and Disciplinary Order.

16 7. Respondent is fully aware of his legal rights in this matter, including the right to a
17 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
18 his own expense; the right to confront and cross-examine the witnesses against him; the right to
19 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel
20 the attendance of witnesses and the production of documents; the right to reconsideration and
21 court review of an adverse decision; and all other rights accorded by the California
22 Administrative Procedure Act and other applicable laws.

23 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
24 every right set forth above.

25 **CULPABILITY**

26 9. Respondent does not contest that, at an administrative hearing, Complainant could
27 establish a *prima facie* case with respect to the charges and allegations contained in Accusation
28 No. 800-2016-020334 and that he has thereby subjected his license to disciplinary action.

10. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in the Accusation, and that Respondent hereby gives up his right to contest those charges.

11. Respondent agrees that if he ever petitions for early termination or modification of probation, or if an accusation and/or petition to revoke probation is filed against him, before the Medical Board of California, all of the charges and allegations contained in Accusation No. 800-2016-020334 shall be deemed true, correct and fully admitted by Respondent for purposes of that proceeding or any other licensing proceeding involving Respondent in the State of California.

12. Respondent agrees that his Physician's and Surgeon's Certificate is subject to discipline and he agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

RESERVATION

13. The admissions made by Respondent herein are only for the purposes of this proceeding, or any other proceedings in which the Medical Board of California or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.

14. The parties agree that this Stipulated Settlement and Disciplinary Order shall be submitted to the Board for its consideration in the above-entitled matter and, further, that the Board shall have a reasonable period of time in which to consider and act on this Stipulated Settlement and Disciplinary Order after receiving it. By signing this stipulation, Respondent fully understands and agrees that he may not withdraw his agreement or seek to rescind this stipulation prior to the time that the Board considers and acts upon it.

15. The parties agree that this Stipulated Settlement and Disciplinary Order shall be null and void and not binding upon the parties unless approved and adopted by the Board, except for this paragraph, which shall remain in full force and effect. Respondent fully understands and agrees that in deciding whether or not to approve and adopt this Stipulated Settlement and Disciplinary Order, the Board may receive oral and written communications from its staff and/or

1 the Attorney General's office. Communications pursuant to this paragraph shall not disqualify the
2 Board, any member thereof, and/or any other person from future participation in this or any other
3 matter affecting or involving Respondent. In the event that the Board, in its discretion, does not
4 approve and adopt this Stipulated Settlement and Disciplinary Order, with the exception of this
5 paragraph, it shall not become effective, shall be of no evidentiary value whatsoever, and shall
6 not be relied upon or introduced in any disciplinary action by either party hereto. Respondent
7 further agrees that should the Board reject this Stipulated Settlement and Disciplinary Order for
8 any reason, Respondent will assert no claim that the Board, or any member thereof, was
9 prejudiced by its/his/her review, discussion and/or consideration of this Stipulated Settlement and
10 Disciplinary Order or of any matter or matters related hereto.

11 **ADDITIONAL PROVISIONS**

12 16. This Stipulated Settlement and Disciplinary Order is intended by the parties herein to
13 be an integrated writing representing the complete, final and exclusive embodiment of the
14 agreements of the parties in the above-entitled matter.

15 17. The parties agree that copies of this Stipulated Settlement and Disciplinary Order,
16 including copies of the signatures of the parties, may be used in lieu of original documents and
17 signatures and, further, that such copies shall have the same force and effect as originals.

18 18. In consideration of the foregoing admissions and stipulations, the parties agree the
19 Board may, without further notice to or opportunity to be heard by Respondent, issue and enter
20 the following Disciplinary Order:

21 **DISCIPLINARY ORDER**

22 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 114442
23 issued to Respondent John James Tiedeken, M.D. is revoked. However, the revocation is stayed
24 and Respondent is placed on probation for five (5) years from the effective date of the Decision
25 on the following terms and conditions.

26 1. ALCOHOL - ABSTAIN FROM USE. Respondent shall abstain completely from the
27 use of products or beverages containing alcohol.

28 If Respondent has a confirmed positive biological fluid test for alcohol, Respondent shall

1 receive a notification from the Board or its designee to immediately cease the practice of
2 medicine. The Respondent shall not resume the practice of medicine until the final decision on an
3 accusation and/or a petition to revoke probation is effective. An accusation and/or petition to
4 revoke probation shall be filed by the Board within 30 days of the notification to cease practice.
5 If the Respondent requests a hearing on the accusation and/or petition to revoke probation, the
6 Board shall provide the Respondent with a hearing within 30 days of the request, unless the
7 Respondent stipulates to a later hearing. the case is heard by an Administrative Law Judge alone,
8 he or she shall forward a Proposed Decision to the Board within 15 days of submission of the
9 matter. Within 15 days of receipt by the Board of the Administrative Law Judge's proposed
10 decision, the Board shall issue its Decision, unless good cause can be shown for the delay. If the
11 case is heard by the Board, the Board shall issue its decision within 15 days of submission of the
12 case, unless good cause can be shown for the delay. Good cause includes, but is not limited to,
13 non-adoption of the proposed decision, requests for reconsideration, remands and other
14 interlocutory orders issued by the Board. The cessation of practice shall not apply to the
15 reduction of the probationary time period.

16 If the Board does not file an accusation or petition to revoke probation within 30 days of the
17 issuance of the notification to cease practice or does not provide Respondent with a hearing
18 within 30 days of such a request, the notification of cease practice shall be dissolved.

19 2. BIOLOGICAL FLUID TESTING. Respondent shall immediately submit to
20 biological fluid testing, at Respondent's expense, upon request of the Board or its designee.
21 "Biological fluid testing" may include, but is not limited to, urine, blood, breathalyzer, hair
22 follicle testing, or similar drug screening approved by the Board or its designee. Prior to
23 practicing medicine, Respondent shall contract with a laboratory or service approved in advance
24 by the Board or its designee that will conduct random, unannounced, observed, biological fluid
25 testing. The contract shall require results of the tests to be transmitted by the laboratory or
26 service directly to the Board or its designee within four hours of the results becoming available.
27 Respondent shall maintain this laboratory or service contract during the period of probation.

28 A certified copy of any laboratory test result may be received in evidence in any

1 proceedings between the Board and Respondent.

2 If Respondent fails to cooperate in a random biological fluid testing program within the
3 specified time frame, Respondent shall receive a notification from the Board or its designee to
4 immediately cease the practice of medicine. The Respondent shall not resume the practice of
5 medicine until the final decision on an accusation and/or a petition to revoke probation is
6 effective. An accusation and/or petition to revoke probation shall be filed by the Board within 30
7 days of the notification to cease practice. If the Respondent requests a hearing on the accusation
8 and/or petition to revoke probation, the Board shall provide the Respondent with a hearing within
9 30 days of the request, unless the Respondent stipulates to a later hearing. If the case is heard by
10 an Administrative Law Judge alone, he or she shall forward a Proposed Decision to the Board
11 within 15 days of submission of the matter. Within 15 days of receipt by the Board of the
12 Administrative Law Judge's proposed decision, the Board shall issue its Decision, unless good
13 cause can be shown for the delay. If the case is heard by the Board, the Board shall issue its
14 decision within 15 days of submission of the case, unless good cause can be shown for the delay.
15 Good cause includes, but is not limited to, non-adoption of the proposed decision, requests for
16 reconsideration, remands and other interlocutory orders issued by the Board. The cessation of
17 practice shall not apply to the reduction of the probationary time period.

18 If the Board does not file an accusation or petition to revoke probation within 15 days of the
19 issuance of the notification to cease practice or does not provide Respondent with a hearing
20 within 30 days of such a request, the notification of cease practice shall be dissolved.

21 3. PSYCHIATRIC EVALUATION. Within 30 calendar days of the effective date of
22 this Decision, and on whatever periodic basis thereafter may be required by the Board or its
23 designee, Respondent shall undergo and complete a psychiatric evaluation (and psychological
24 testing, if deemed necessary) by a Board-appointed board certified psychiatrist, who shall
25 consider any information provided by the Board or designee and any other information the
26 psychiatrist deems relevant, and shall furnish a written evaluation report to the Board or its
27 designee. Psychiatric evaluations conducted prior to the effective date of the Decision shall not
28 be accepted towards the fulfillment of this requirement. Respondent shall pay the cost of all

1 psychiatric evaluations and psychological testing.

2 Respondent shall comply with all restrictions or conditions recommended by the evaluating
3 psychiatrist within 15 calendar days after being notified by the Board or its designee.

4 Respondent shall not engage in the practice of medicine until notified by the Board or its
5 designee that Respondent is mentally fit to practice medicine safely. The period of time that
6 Respondent is not practicing medicine shall not be counted toward completion of the term of
7 probation.

8 4. PSYCHOTHERAPY. Within 60 calendar days of the effective date of this Decision,
9 Respondent shall submit to the Board or its designee for prior approval the name and
10 qualifications of a California-licensed board certified psychiatrist or a licensed psychologist who
11 has a doctoral degree in psychology and at least five years of postgraduate experience in the
12 diagnosis and treatment of emotional and mental disorders. Upon approval, Respondent shall
13 undergo and continue psychotherapy treatment, including any modifications to the frequency of
14 psychotherapy, until the Board or its designee deems that no further psychotherapy is necessary.

15 The psychotherapist shall consider any information provided by the Board or its designee
16 and any other information the psychotherapist deems relevant and shall furnish a written
17 evaluation report to the Board or its designee. Respondent shall cooperate in providing the
18 psychotherapist with any information and documents that the psychotherapist may deem
19 pertinent.

20 Respondent shall have the treating psychotherapist submit quarterly status reports to the
21 Board or its designee. The Board or its designee may require Respondent to undergo psychiatric
22 evaluations by a Board-appointed board certified psychiatrist. If, prior to the completion of
23 probation, Respondent is found to be mentally unfit to resume the practice of medicine without
24 restrictions, the Board shall retain continuing jurisdiction over Respondent's license and the
25 period of probation shall be extended until the Board determines that Respondent is mentally fit
26 to resume the practice of medicine without restrictions.

27 Respondent shall pay the cost of all psychotherapy and psychiatric evaluations.

28 5. MONITORING - PRACTICE. Within 30 calendar days of the effective date of this

1 Decision, Respondent shall submit to the Board or its designee for prior approval as a practice
2 monitor(s), the name and qualifications of one or more licensed physicians and surgeons whose
3 licenses are valid and in good standing, and who are preferably American Board of Medical
4 Specialties (ABMS) certified. A monitor shall have no prior or current business or personal
5 relationship with Respondent, or other relationship that could reasonably be expected to
6 compromise the ability of the monitor to render fair and unbiased reports to the Board, including
7 but not limited to any form of bartering, shall be in Respondent's field of practice, and must agree
8 to serve as Respondent's monitor. Respondent shall pay all monitoring costs.

9 The Board or its designee shall provide the approved monitor with copies of the Decision(s)
10 and Accusation(s), and a proposed monitoring plan. Within 15 calendar days of receipt of the
11 Decision(s), Accusation(s), and proposed monitoring plan, the monitor shall submit a signed
12 statement that the monitor has read the Decision(s) and Accusation(s), fully understands the role
13 of a monitor, and agrees or disagrees with the proposed monitoring plan. If the monitor disagrees
14 with the proposed monitoring plan, the monitor shall submit a revised monitoring plan with the
15 signed statement for approval by the Board or its designee.

16 Within 60 calendar days of the effective date of this Decision, and continuing throughout
17 probation, Respondent's practice shall be monitored by the approved monitor. Respondent shall
18 make all records available for immediate inspection and copying on the premises by the monitor
19 at all times during business hours and shall retain the records for the entire term of probation.

20 If Respondent fails to obtain approval of a monitor within 60 calendar days of the effective
21 date of this Decision, Respondent shall receive a notification from the Board or its designee to
22 cease the practice of medicine within three (3) calendar days after being so notified. Respondent
23 shall cease the practice of medicine until a monitor is approved to provide monitoring
24 responsibility.

25 The monitor(s) shall submit a quarterly written report to the Board or its designee which
26 includes an evaluation of Respondent's performance, indicating whether Respondent's practices
27 are within the standards of practice of medicine, and whether Respondent is practicing medicine
28 safely, billing appropriately or both. It shall be the sole responsibility of Respondent to ensure

1 that the monitor submits the quarterly written reports to the Board or its designee within 10
2 calendar days after the end of the preceding quarter.

3 If the monitor resigns or is no longer available, Respondent shall, within 5 calendar days of
4 such resignation or unavailability, submit to the Board or its designee, for prior approval, the
5 name and qualifications of a replacement monitor who will be assuming that responsibility within
6 15 calendar days. If Respondent fails to obtain approval of a replacement monitor within 60
7 calendar days of the resignation or unavailability of the monitor, Respondent shall receive a
8 notification from the Board or its designee to cease the practice of medicine within three (3)
9 calendar days after being so notified. Respondent shall cease the practice of medicine until a
10 replacement monitor is approved and assumes monitoring responsibility.

11 In lieu of a monitor, Respondent may participate in a professional enhancement program
12 approved in advance by the Board or its designee that includes, at minimum, quarterly chart
13 review, semi-annual practice assessment, and semi-annual review of professional growth and
14 education. Respondent shall participate in the professional enhancement program at Respondent's
15 expense during the term of probation.

16 6. SOLO PRACTICE PROHIBITION. Respondent is prohibited from engaging in the
17 solo practice of medicine. Prohibited solo practice includes, but is not limited to, a practice
18 where: 1) Respondent merely shares office space with another physician but is not affiliated for
19 purposes of providing patient care, or 2) Respondent is the sole physician practitioner at that
20 location.

21 If Respondent fails to establish a practice with another physician or secure employment in
22 an appropriate practice setting within 60 calendar days of the effective date of this Decision,
23 Respondent shall receive a notification from the Board or its designee to cease the practice of
24 medicine within three (3) calendar days after being so notified. The Respondent shall not resume
25 practice until an appropriate practice setting is established.

26 If during the course of the probation, the Respondent's practice setting changes and the
27 Respondent is no longer practicing in a setting in compliance with this Decision, the Respondent
28 shall notify the Board or its designee within five (5) calendar days of the practice setting change.

1 If Respondent fails to establish a practice with another physician or secure employment in an
2 appropriate practice setting within 60 calendar days of the practice setting change, Respondent
3 shall receive a notification from the Board or its designee to cease the practice of medicine within
4 three (3) calendar days after being so notified. The Respondent shall not resume practice until an
5 appropriate practice setting is established.

6 7. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the
7 Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the
8 Chief Executive Officer at every hospital where privileges or membership are extended to
9 Respondent, at any other facility where Respondent engages in the practice of medicine,
10 including all physician and locum tenens registries or other similar agencies, and to the Chief
11 Executive Officer at every insurance carrier which extends malpractice insurance coverage to
12 Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15
13 calendar days.

14 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

15 8. SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE
16 NURSES. During probation, Respondent is prohibited from supervising physician assistants and
17 advanced practice nurses.

18 9. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, all rules
19 governing the practice of medicine in California and remain in full compliance with any court
20 ordered criminal probation, payments, and other orders.

21 10. QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations
22 under penalty of perjury on forms provided by the Board, stating whether there has been
23 compliance with all the conditions of probation.

24 Respondent shall submit quarterly declarations not later than 10 calendar days after the end
25 of the preceding quarter.

26 11. GENERAL PROBATION REQUIREMENTS.

27 Compliance with Probation Unit

28 Respondent shall comply with the Board's probation unit.

1 Address Changes

2 Respondent shall, at all times, keep the Board informed of Respondent's business and
3 residence addresses, email address (if available), and telephone number. Changes of such
4 addresses shall be immediately communicated in writing to the Board or its designee. Under no
5 circumstances shall a post office box serve as an address of record, except as allowed by Business
6 and Professions Code section 2021(b).

7 Place of Practice

8 Respondent shall not engage in the practice of medicine in Respondent's or patient's place
9 of residence, unless the patient resides in a skilled nursing facility or other similar licensed
10 facility.

11 License Renewal

12 Respondent shall maintain a current and renewed California physician's and surgeon's
13 license.

14 Travel or Residence Outside California

15 Respondent shall immediately inform the Board or its designee, in writing, of travel to any
16 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty
17 (30) calendar days.

18 In the event Respondent should leave the State of California to reside or to practice,
19 Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of
20 departure and return.

21 12. INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent shall be
22 available in person upon request for interviews either at Respondent's place of business or at the
23 probation unit office, with or without prior notice throughout the term of probation.

24 13. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or
25 its designee in writing within 15 calendar days of any periods of non-practice lasting more than
26 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is
27 defined as any period of time Respondent is not practicing medicine as defined in Business and
28 Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct

1 patient care, clinical activity or teaching, or other activity as approved by the Board. If
2 Respondent resides in California and is considered to be in non-practice, Respondent shall
3 comply with all terms and conditions of probation. All time spent in an intensive training
4 program which has been approved by the Board or its designee shall not be considered non-
5 practice and does not relieve Respondent from complying with all the terms and conditions of
6 probation. Practicing medicine in another state of the United States or Federal jurisdiction while
7 on probation with the medical licensing authority of that state or jurisdiction shall not be
8 considered non-practice. A Board-ordered suspension of practice shall not be considered as a
9 period of non-practice.

10 In the event Respondent's period of non-practice while on probation exceeds 18 calendar
11 months, Respondent shall successfully complete the Federation of State Medical Boards's Special
12 Purpose Examination, or, at the Board's discretion, a clinical competence assessment program
13 that meets the criteria of Condition 18 of the current version of the Board's "Manual of Model
14 Disciplinary Orders and Disciplinary Guidelines" prior to resuming the practice of medicine.

15 Respondent's period of non-practice while on probation shall not exceed two (2) years.

16 Periods of non-practice will not apply to the reduction of the probationary term.

17 Periods of non-practice for a Respondent residing outside of California will relieve
18 Respondent of the responsibility to comply with the probationary terms and conditions with the
19 exception of this condition and the following terms and conditions of probation: Obey All Laws;
20 General Probation Requirements; Quarterly Declarations; Abstain from the Use of Alcohol and/or
21 Controlled Substances; and Biological Fluid Testing.

22 14. COMPLETION OF PROBATION. Respondent shall comply with all financial
23 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the
24 completion of probation. Upon successful completion of probation, Respondent's certificate shall
25 be fully restored.

26 15. VIOLATION OF PROBATION. Failure to fully comply with any term or condition
27 of probation is a violation of probation. If Respondent violates probation in any respect, the
28 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and

1 carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke Probation,
2 or an Interim Suspension Order is filed against Respondent during probation, the Board shall have
3 continuing jurisdiction until the matter is final, and the period of probation shall be extended until
4 the matter is final.

5 16. LICENSE SURRENDER. Following the effective date of this Decision, if
6 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy
7 the terms and conditions of probation, Respondent may request to surrender his or her license.
8 The Board reserves the right to evaluate Respondent's request and to exercise its discretion in
9 determining whether or not to grant the request, or to take any other action deemed appropriate
10 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent
11 shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its
12 designee and Respondent shall no longer practice medicine. Respondent will no longer be subject
13 to the terms and conditions of probation. If Respondent re-applies for a medical license, the
14 application shall be treated as a petition for reinstatement of a revoked certificate.

15 17. PROBATION MONITORING COSTS. Respondent shall pay the costs associated
16 with probation monitoring each and every year of probation, as designated by the Board, which
17 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of
18 California and delivered to the Board or its designee no later than January 31 of each calendar
19 year.

20 ACCEPTANCE

21 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
22 stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into
23 this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and
24 agree to be bound by the Decision and Order of the Medical Board of California.

25
26 DATED: 2/11/2012


27 JOHN JAMES TIEDEKEN, M.D.
28 Respondent

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Dated:

7/13/2017

XAVIER BECERRA
Attorney General of California
ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General

JANNSEN TAN
Deputy Attorney General
Attorneys for Complainant

SA2016302156
32908762.doc

Exhibit A

Accusation No. 800-2016-020334

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO Nov. 30 20 16
BY R. Fradaus ANALYST

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BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
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In the Matter of the Accusation Against:

Case No. 800-2016-020334

JOHN JAMES TIEDEKEN, M.D.
4530 Juno Way
Sacramento, CA 95864

ACCUSATION

Physician's and Surgeon's Certificate No. A 114442

Respondent.

Complainant alleges:

PARTIES

1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official capacity as the Executive Director of the Medical Board of California, Department of Consumer Affairs (Board).

2. On or about October 20, 2010, the Medical Board issued Physician's and Surgeon's Certificate No. A 114442 to John James Tiedeken, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein and expired on October 31, 2016.

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1 **JURISDICTION**

2 3. This Accusation is brought before the Board, under the authority of the following
3 laws. All section references are to the Business and Professions Code ("Code") unless otherwise
4 indicated.

5 4. Section 822 of the Code states:

6 "If a licensing agency determines that its licentiate's ability to practice his or her
7 profession safely is impaired because the licentiate is mentally ill, or physically ill affecting
8 competency, the licensing agency may take action by any one of the following methods:

9 "(a) Revoking the licentiate's certificate or license.

10 "(b) Suspending the licentiate's right to practice.

11 "(c) Placing the licentiate on probation.

12 "(d) Taking such other action in relation to the licentiate as the licensing agency in its
13 discretion deems proper.

14 "The licensing section shall not reinstate a revoked or suspended certificate or license until
15 it has received competent evidence of the absence or control of the condition which caused its
16 action and until it is satisfied that with due regard for the public health and safety the person's
17 right to practice his or her profession may be safely reinstated."

18 **CAUSE FOR RESTRICTIONS**

19 **(Mental or Physical Illness Affecting Competency to Practice Medicine)**

20 5. Respondent's Physician's and Surgeon's Certificate No. A 114442 is subject to action
21 under section 822 of the Code in that his ability to practice medicine safely is impaired because he
22 is mentally or physically ill affecting competency, as more particularity alleged hereinafter.

23 6. On or about January 4, 2016, at approximately 1517 hours, Respondent contacted
24 California Highway Patrol (CHP) by dialing 911. He informed dispatch that he ran out of gas on
25 I-80 near the Donner Summit. Officer Hardy was dispatched to his location. Respondent exited
26 his vehicle and approached Officer Hardy's vehicle. He advised Officer Hardy that he ran out of
27 gas and needed a tow truck. Officer Hardy called in a tow truck and left the scene.
28

1 7. At approximately 1608 hours, a CalTrans employee contacted CHP. The CalTrans
2 employee attempted to assist Respondent and when Respondent got out of his vehicle, he had a
3 bottle of Jack Daniels in his hand. The CalTrans employee left the scene.

4 8. At approximately 1705 hours, Cal Nevada Towing contacted Truckee CHP regarding
5 Respondent. Respondent was allegedly observed acting bizarrely, walking around in the traffic
6 lanes, removed his shirt, uncooperative and a danger to himself, and was attempting to take a
7 video of the tow operator. The tow operator left the scene without assisting Respondent.

8 9. At approximately 1713 hours, Officers Hardy and Morin and Captain Stonebraker
9 responded to Respondent's location. Upon their arrival, they found the vehicle abandoned.
10 Approximately ¼ mile east of his vehicle, Officer Morin located Respondent walking on the right
11 shoulder. Over his PA system, Officer Morin instructed Respondent to stop. Respondent began
12 spinning around and holding his arms high in the air. Officers Morin and Hardy then approached
13 Respondent. He informed the officers that he was driving from Sacramento to Truckee and
14 unexpectedly ran out of gas. After having a difficult time obtaining a tow truck, he contacted
15 CHP. Respondent did not recognize Officer Hardy from his prior contact with him. Officer
16 Hardy asked Respondent why he left his vehicle and walked in a snow storm. Respondent stated
17 that the tow truck operator "got scared of something" and left. He further stated that "because I
18 was acting weird and trying to videotape him" he left. Officer Hardy asked if he had been
19 drinking Jack Daniels as reported by the CalTrans employee. Respondent stated he drank Jack
20 Daniels between the time he was initially contacted by Officer Hardy to when the Cal Nevada tow
21 truck arrived on scene. He also admitted to taking medications for depression.

22 10. On or about June 9, 2016, at approximately 0300 hrs., Respondent was brought to the
23 Kaiser Sacramento Medical Center Emergency Room by law enforcement for evaluation.
24 Respondent appeared to be having a "psychotic break and was rambling."

25 11. On or about June 17, 2016, the Medical Executive Committee of Mercy General
26 Hospital commenced an investigation of Respondent due to concerns related to potential health
27 issues. The Chief of Staff of Mercy General Hospital wrote that if suspension was not placed,
28 imminent danger to the health of a patient or other individual may result.

1 12. On or about June 23, 2016, Respondent requested and was granted a leave of absence
2 from the medical staff.

3 13. Respondent is presently unfit to practice medicine, as set forth in paragraphs 6 to 12
4 above, in that he has a physical or mental illness that affects his competency to practice medicine
5 safely.

6 **PRAYER**

7 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
8 and that following the hearing, the Medical Board of California issue a decision:

9 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 114442,
10 issued to Respondent John James Tiedeken, M.D.;

11 2. Revoking, suspending or denying approval of Respondent John James Tiedeken,
12 M.D.'s authority to supervise physician assistants, pursuant to section 3527 of the Code;

13 3. Ordering Respondent John James Tiedeken, M.D., if placed on probation, to pay the
14 Board the costs of probation monitoring; and

15 4. Taking such other and further action as deemed necessary and proper.

16
17 DATED: November 30, 2016


KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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